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DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

40359

FILE: B-180384

DATE: January 21, 1974

MATTER OF: Arista Company

DIGEST: Firm who protests determination of Army that it did not qualify as manufacturer under Walsh-Healey Public Contracts Act, 41 U.S.C. 35, is advised that such determination may not be disturbed by GAO because responsibility of determining whether bidder is qualified as regular dealer or manufacturer rests in first instance with contracting agency and in accordance with Act such determination is subject to review by Secretary of Labor and not by GAO.

Arista Company protests the determination by United States Army Missile Command, Redstone Arsenal, Alabama, that its firm did not qualify as a manufacturer under the Walsh-Healey Public Contracts Act, 41 U.S.C. 35.

The Walsh-Healey Act vests in the Secretary of Labor the authority to make final administrative determinations regarding the interpretation of such terms as "regular dealer" and "manufacturer" as used in the Act. However, the responsibility of determining whether a bidder is qualified as a regular dealer or manufacturer rests in the first instance with the contracting agency and is subject to review by the Secretary of Labor and not by the General Accounting Office. B-176738, August 30, 1972.

In view thereof, the determination by the above Command that the firm did not qualify as a manufacturer under the Walsh-Healey Act may not be disturbed by our Office.

*Paul S. Stuebli*  
For the Comptroller General  
of the United States